

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
Plaintiff,)
v.) CIVIL ACTION NO. 3:24-cv-02296-S
DALLAS BARBER & STYLIST COLLEGE)
INCORPORATED,)
Defendant.)**

PLAINTIFF'S REQUEST FOR CLERK TO ISSUE ENTRY OF DEFAULT

Pursuant to Rule 55(a) of the Federal Rules of Civil Procedure and Local Rule 55.3, Plaintiff Equal Employment Opportunity Commission files this Request for Clerk's Entry of Default against Defendant Dallas Barber & Stylist College Incorporated in this cause. In support of its Request, Plaintiff states as follows:

1. On September 9, 2024, Plaintiff filed its complaint against Defendant alleging violations of Title VII of the Civil Rights Act of 1964, as amended, 42 §§ U.S.C. 2000e, *et seq.* (Doc. 1).
2. On October 29, 2024, Plaintiff served service of process on Defendant. (Doc. 9).
3. On November 22, 2024, Defendant filed an untimely Rule 12(b)(6) motion to dismiss. (Doc. 10).
4. On December 12, 2024, this Court held a scheduling conference. (Doc. 15).
5. Neither Defendant nor its counsel appeared at the scheduling conference.
6. At the scheduling conference, Plaintiff moved for leave to file an amended complaint.
7. This Court granted Plaintiff's motion for leave to file an amended complaint. (Doc. 14).

8. On December 18, 2024, Plaintiff filed its Amended Complaint. (Doc. 19).
9. On December 19, 2024, this Court denied Defendant's motion to dismiss as moot in light of Plaintiff's Amended Complaint. (Doc. 20).
10. Pursuant to Federal Rules of Civil Procedure, Rule 15(a)(3), Defendant was required to respond to the Amended Complaint by January 2, 2025.
11. To date, Defendant has failed to answer or otherwise respond to the Plaintiff's Amended Complaint.
12. As Defendant has failed to plead or otherwise defend, default should be entered in accordance with Federal Rules of Civil Procedure, Rule 55(a). *See Tango Marine S.A. v. Elephant Group Limited*, 19 F.4th 808 (5th Cir. 2021) (affirming Northern District of Texas's entry of default when defendant failed to answer an amended complaint) (withdrawn on other grounds); *Lohr v. Gilman*, No. 3:15-cv-1931-BN, 2017 WL 11679158, at *2 (N.D. Tex. July 27, 2017) (explaining default may be properly entered if defendant fails to answer amended complaint).

For these reasons, Plaintiff respectfully requests that the Clerk enter default against Defendant.

Respectfully submitted on February 11, 2025,

EQUAL EMPLOYMENT	<u>/s/ Jay Kucia</u>
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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2025, I served a copy of the foregoing on Defendant's counsel of record via the Court's electronic filing system.

/s/ Jay Kucia
Jay Kucia